

FILED
DES MOINES, IOWA

INSTRUCTION NO. 20

2004 AUG 25 PM 4: 38

3:02-cv-10109

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

You, the jury, have found that Dial engaged in a pattern and practice of intentional discrimination by continuing the Work Tolerance Screen ("WTS") on and after April, 2001. You now must determine whether certain individuals are entitled to compensatory damages and, if so, the amount of such damages.

You may award each individual class member who has presented evidence of damages such sum as you find by the greater weight of the evidence will fairly and justly compensate her for any damages you find that she sustained as a direct result of Dial's failure to hire her. Each individual's claim for damages includes emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-monetary losses.

No evidence of monetary value of such intangible things as pain and suffering has been, or need be, introduced into evidence. There is no exact standard for fixing the compensation to be awarded for these elements of damages. The damages that you award must be fair compensation – no more and no less.

You should not consider any wage loss to the class member, since the determination of that amount will, if necessary be made by the Court.

Remember, throughout your deliberations, you must not engage in any speculation, guess, or conjecture, and you must not award damages under this Instruction by way of punishment or through sympathy.

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